

NOTICE TO COUNSEL - DISCOVERY DISPUTES

Magistrate Judge Turchin requires strict compliance with Local Rule 37 in bringing discovery disputes to the attention of the court. It is requested that counsel place in brackets, under the caption of any motion which has been referred to the Magistrate Judge, "Referred to Magistrate Judge Carolyn Turchin." The discovery cutoff date, pretrial conference date and trial date set by the District Judge should also be placed under the caption. Local Rule 37-2.1. These dates will not be changed by the Magistrate Judge.

Before bringing a discovery dispute to the court's attention, counsel should carefully and in good faith comply with the detailed requirements of the subparts of Local Rule 37.

The joint stipulation required by Local Rule 37-2.1 should contain each counsel's position as to the following: (1) introductory statement; and, (2) issues. With respect to the introductory statement, moving counsel's statement should be followed by opposing counsel's statement unless counsel agree upon the introductory statement. With respect to each issue, moving counsel's contention together with applicable points and authorities should be followed by opposing counsel's. While the 25 page limitation of Local Rule 11-6 does not apply to the joint stipulation required by Local Rule 37, the parties are ordered to be as **concise as possible** in order to conserve client resources and

aid the court's efficient resolution of the dispute. The magistrate judge suggests that the litigants to a discovery dispute attempt, in good faith, to limit the number of pages in a joint stipulation to an outside maximum of 50 pages.

The hearing on the motion should be noticed at least 21 calendar days in advance of the date set. Fed.R.Civ.P. 6; Local Rule 37-3. Supplemental memoranda, if any, are limited to 5 pages and must be filed not later than 14 calendar days prior to a scheduled hearing date. Fed.R.Civ.P. 6; Local Rule 37-2.3. Courtesy copies are not required unless the document to be filed exceeds fifty (50) pages in length (including exhibits). In the event a courtesy copy is necessary, counsel may deliver a courtesy copy to Judge Turchin's courtroom deputy clerk, Ms. Deborah Malone. Ms. Malone can be reached at (213) 894-6513. The courtesy copy should be delivered to her in **room 181 L of the Federal Roybal Building, 255 East Temple Street, Los Angeles, California 90012**, not directly to chambers.

This court typically hears discovery disputes on Mondays at 2:00 p.m. Counsel should anticipate the possibility that the hearing will be taken off calendar and the dispute decided without oral argument. Local Rule 37-3.

Counsel are requested to provide the Magistrate Judge with any ruling by the District Judge that may relate to the discovery dispute referred to the Magistrate Judge. It should be presented

as an exhibit to the joint stipulation filed before the Magistrate Judge.

Counsel are directed to carefully read and consider the United States District Court Central District of California Civility and Professionalism Guidelines, adopted on July 27, 1995, before filing a discovery motion. If you do not have this document, a copy may be obtained from the courtroom deputy clerk.

This notice and all applicable rules apply to persons appearing without counsel.

The following additional information is provided to counsel. This information is not intended to impose "local, local rules." It is intended to give counsel guidance about what is helpful to this court in resolving discovery disputes.

1. All information relating to a motion should be contained in a single document. That document is the joint stipulation. In other words, all declarations, exhibits and proposed orders should be appended to the concise joint stipulation so that they will be correctly routed to the magistrate judge.

2. Multiple issues which logically should be disposed of in the same discovery motion should not be separated into separate motions.

3. Use restraint in selecting exhibits appended to a joint stipulation. For example, the Magistrate Judge does not need to see every piece of correspondence between counsel. However, it is

often helpful to see the pleadings attached as exhibits since the Magistrate Judge does not routinely receive the entire case file.

4. While the Magistrate Judge will accept supplemental memoranda, if a lawyer submits authority or information that was available at the time of the preparation of the joint stipulation in a supplemental memorandum, it may not be considered. Counsel should endeavor to avoid filing supplemental memoranda. Supplemental filings which are not provided for in the local rules may not be filed absent advance leave of court upon good cause shown.

5. The lawyer who signs the joint stipulation is expected to argue.

6. If there has been an external event, such as a District Judge ruling or an agreement with respect to a portion or all of a dispute which impacts on a discovery dispute pending before the Magistrate Judge, counsel should immediately file a notification of such event.

7. In any case where counsel have submitted more than one joint stipulation for the same calendar, each counsel should submit a single summary of all issues raised in all joint stipulations for that calendar. This document should also summarize the arguments and is limited to 5 pages.

8. Ex parte applications are an unacceptable method of bringing a discovery dispute to the attention of the court. Unless

there is an extreme emergency which was not created by the lawyer who is bringing the discovery motion, strict compliance with the local rules is required and discovery disputes must be brought to the attention of the court by way of joint stipulation. Failure to timely bring a discovery dispute to the attention of the court which fully complies with the District Judge's scheduling order and applicable rules does not constitute an emergency which warrants an ex parte application.

9. Counsel are encouraged, but not required, to submit separate proposed orders as exhibits to their joint stipulation.

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